

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

BIO-KOR METICS, LTD., an Israeli company,

*Plaintiff,*

v.

FIVE STAR FORMULATORS, INC., a  
California corporation, and BELLA  
SCHNEIDER,

*Defendants.*

**Case No. CV10-4717-PJH**

**[PROPOSED] STIPULATION AND  
PROTECTIVE ORDER GOVERNING  
EXPEDITED DISCOVERY**

**WHEREAS** the Court has issued a Temporary Restraining Order in this action, and Plaintiff Bio-Kor Metrics, Ltd, (“Bio-Kor”) and Defendant Five Star Formulators, Inc. (“Five Star”) have stipulated to certain expedited discovery in anticipation of a hearing on Plaintiff’s motion that the Temporary Restraining Order continues as a Preliminary Injunction;

**WHEREAS** the stipulated discovery sought by Plaintiff from Defendant may include documents and/or interrogatory answers that reveal competitively valuable information, including the identities of Defendant’s customers and/or Defendant’s customers’ contact information, which Defendant claims constitutes its valuable proprietary information; and

**WHEREAS** the Parties have stipulated that this Court enter a Protective Order governing the use and disclosure of the discovery information to be provided to Plaintiff on an expedited basis to facilitate prompt discovery without causing potential harm to Defendant’s business by the discovery process,

**NOW THEREFORE** based upon the Parties’ stipulation and good cause appearing,

**IT IS HEREBY ORDERED AS FOLLOWS:**

1           1.       All documents and interrogatory answers provided on this expedited basis shall be  
2 used solely for the purposes of this action and for no other purpose by the receiving Party.

3           2.       With regard to documents or interrogatory answers provided by Defendant to  
4 Plaintiff which contain the identification of Defendant's customer(s) and/or contact information for  
5 Defendant's customer(s), and which are labeled CONFIDENTIAL ATTORNEYS EYES ONLY by  
6 Defendant, such documents or interrogatory answers shall not be disclosed to anyone other than  
7 outside attorneys of record in this case for Bio-Kor in this action, and shall not be shown nor the  
8 client identifying or contact information disclosed to Bio-Kor or anyone else absent written  
9 agreement of the parties or further order of the Court. This does not prohibit Bio-Kor's outside  
10 attorneys of record in this case from disclosing to Bio-Kor the product and/or financial information  
11 and/or or other information (except for the information concerning customer(s)' identity and/or  
12 customer(s)' contact information) contained in the documents or interrogatory responses. At the  
13 conclusion of this litigation, the aforementioned CONFIDENTIAL ATTORNEYS EYES ONLY  
14 discovery materials shall be returned to Defendant. If Bio-Kor wishes to file or lodge such  
15 CONFIDENTIAL ATTORNEYS EYES ONLY discovery materials with the Court in a fashion that  
16 reveals Defendant's customer(s) identity(ies) or contact information, then the Parties shall meet and  
17 confer on the manner in which to proceed before requesting a modification of this Order.

18           3.       Without written permission from the producing Party, or a court order secured after  
19 appropriate notice to all interested persons, a Party may not file in the public record in this action  
20 documents containing material designated CONFIDENTIAL ATTORNEYS EYES ONLY. A  
21 Party that seeks to file under seal any documents containing material designated CONFIDENTIAL  
22 ATTORNEYS EYES ONLY must comply with Civil Local Rule 79-5.

23           4.       This Order shall remain in effect unless the Parties otherwise agree in writing or  
24 further order of this Court.

1 Dated: 10/29/10  
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9 Respectfully submitted by:  
10  
11

12 /s/Nagendra Setty

13 Nagendra Setty (admitted *pro hac vice*)  
14 Noah C. Graubart (admitted *pro hac vice*)  
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**ATTORNEYS FOR PLAINTIFF**  
**BIO-KOR METICS, LTD.**

/s/H. Mathew Moore

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**ATTORNEYS FOR DEFENDANT**  
**FIVE STAR FORMULATORS, INC.**